

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

KLAUSNER TECHNOLOGIES, INC.

vs.

AASTRA TECHNOLOGIES LTD., *et al.*

IPVX PATENT HOLDINGS, INC.,  
a Delaware corporation,

vs.

NTCH-COLORADO, LLC, a Colorado  
limited liability company; NTCH, INC., a  
Delaware Corporation; and PTA-FLA, INC.,  
a Florida Corporation

**CASE NO. 6:11-cv-00480-LED**  
(Lead Case for Consolidation)  
JURY TRIAL DEMANDED

CASE NO. 6:12-cv-00170-LED  
(Consolidated with Above)  
JURY TRIAL DEMANDED

**AGREED MOTION TO DISMISS WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41, Plaintiff IPVX Patent Holdings, Inc. (“IPVX”) and Defendants NTCH-Colorado, LLC and NTCH, Inc. (collectively “NTCH”) respectfully move the Court to enter the attached Agreed Order of Dismissal without Prejudice.

Accordingly, the parties respectfully move the Court to order that the parties hereby agree and stipulate on the terms and conditions of the Stipulation of Dismissal as follows:

1. All claims in this action as between IPVX and NTCH-Colorado, LLC and NTCH, Inc. are dismissed without prejudice.
2. Each party shall bear its own respective costs and attorney’s fees in connection with this case.

Approved as to form and substance on November 13, 2012.

<p>IPVX PATENT HOLDINGS, INC.</p> <p>By its attorneys,</p> <p><u>/s/ Pierre R. Yanney</u></p> <p>Sidney Calvin Capshaw, III State Bar No. 03783900 Capshaw DeRieux, LLP 114 E. Commerce Ave. Gladewater, Texas 75647 Telephone: (903)-233-4826 Facsimile: (903)-236-8787 Email: <a href="mailto:ccapshaw@capshawlaw.com">ccapshaw@capshawlaw.com</a></p> <p><i>Of Counsel:</i></p> <p>Pierre R. Yanney State Bar No. 033391993 Email: <a href="mailto:pyanney@stroock.com">pyanney@stroock.com</a> STROOCK &amp; STROOCK &amp; LAVAN LLP 180 Maiden Lane New York, N.Y. 10038 Tel: (212) 806-5400 Fax: (212) 806-6006</p>	<p>NTCH, INC AND NTCH-COLORADO, LLC</p> <p>By its attorneys,</p> <p><u>/s/ Sean Patrick Farrell (with permission)</u></p> <p>Sean Patrick Farrell Attorney at Law One Park Plaza Suite 600 Irvine, CA 92614 Tel: 949/852-4431 Fax: 310/734-1804 Email: <a href="mailto:spfarrell@cox.net">spfarrell@cox.net</a></p>
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document this 13th day of November, 2012, via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Pierre R. Yanney

**CERTIFICATE OF CONFERENCE**

In compliance with Local Rule CV-7(h), I hereby certify that counsel for IPVX conferred with counsel for NTCH-Colorado, LLC and NTCH, Inc. and this motion is agreed.

/s/ Pierre R. Yanney